

So Ordered.



Frederick P. Corbit

Frederick P. Corbit  
Bankruptcy Judge

Dated: September 24th, 2019

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UNITED STATES BANKRUPTCY COURT  
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In re:

No.: **18-02232-FPC11**

**KATHLEEN JOLLEY FOX,**

Chapter 11

Debtor.

**FINDINGS OF FACT**

**THIS MATTER** coming before the Court for hearing on September 24, 2019 upon the issues raised by Debtor's request for confirmation of Debtor's Plan of Reorganization filed herein on December 10, 2018 [ECF 67], as modified pursuant to the First Amendment to Plan of Reorganization filed herein on July 16, 2019 [ECF 107] (collectively the "Plan"), and based upon the evidence produced, the Court now makes the following:

**FINDINGS OF FACT**

1. The Debtor's Plan was submitted to Creditors and other parties in interest;
2. The Plan has been accepted in writing by the creditors and equity security

holders whose acceptance is required by law;

Findings of Fact-1

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**ATTORNEYS AT LAW**  
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1           3.     The provisions of Chapter 11 of the United States Code have been complied  
2 with and the Plan has been proposed in good faith and not by any means forbidden by  
3 law;

4           4.     (a) Each holder of a claim or interest has accepted the Plan or will receive or  
5 retain under the Plan property of a value, as of the effective date of the Plan, that is not  
6 less than the amount that such holder would receive or retain if the Debtor was liquidated  
7 under Chapter 7 of the Code on such date, or (b) the Plan does not discriminate unfairly,  
8 and is fair and equitable with respect to each class of claims or interests that is impaired  
9 under, and has not accepted the Plan;

10           5.     All payments made or promised by the Debtor or by a person issuing  
11 securities or acquiring property under the Plan or by any other person for services or for  
12 costs and expenses in, or in connection with, the Plan and incident to the case, have been  
13 fully disclosed to the Court and are reasonable and are hereby approved, or, if to be fixed  
14 after confirmation of the Plan, will be subject to approval of the Court;

15           6.     Confirmation of the Plan is not likely to be followed by the liquidation, or the  
16 need for further financial reorganization of the Debtor, or (b) if the Plan is a plan of  
17 liquidation, the Plan sets a time period in which liquidation will be accomplished, and  
18 provides for the eventuality that the liquidation is not accomplished in that time period;

19           7.     Pursuant to the Plan, the following acts or events constitute substantial  
20 consummation of the Plan: sixty (60) days following Confirmation, provided that Debtor  
21 has paid all installments provided by this Plan to be paid within that time;

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Findings of Fact-2

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1 8. Creditors were given Notice of Confirmation and no objections thereto were  
2 made or have otherwise been withdrawn; and

3 9. It is proper that the Plan be confirmed, subject to the following modifications:

4 a. Notwithstanding any provision in the Plan to the contrary, should Debtor's  
5 Home (Art. I, def. #15) not be sold by private sale within eighteen (18)  
6 months of the Effective Date (the "Private Sale Period), it shall be sold by  
7 public auction, subject to the terms of the Plan; provided, however, that the  
8 Debtor, After Notice and Hearing, may request the Court for an extension of  
9 the Private Sale Period if the Debtor is likely to sell Debtor's Home in a  
10 reasonable period of time thereafter; and  
11

12 b. Notwithstanding any provision in the Plan to the contrary, the Allowed  
13 Claims of Class 1 professional members (administrative claimants) shall be  
14 allowed and paid interest on their Claims at the federal judgment rate,  
15 pursuant to 28 U.S.C. §1961(a), in effect at the time of Confirmation from the  
16 Effective Date.  
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18 ///END OF ORDER///

19 PRESENTED BY:

20 SOUTHWELL & O'ROURKE, P.S.  
21

22 BY: /s/ Kevin O'Rourke  
23 KEVIN O'ROURKE, WSBA #28912  
24 Attorneys for Debtor  
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Findings of Fact-3

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